



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

GOVERNMENT BUREAU
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

(617) 727-2200
www.mass.gov/ago

Initiative Petition Information Sheet

Title of Petition: [none; appears to be a Law Relative to Electricity Contracts and Amending the Green Communities Act]

Petition Number : 11-28

Proponents' Contact

Name: Audra Parker

Residential Address:

Phone: 508-775-9767

Fax:

Email: audra@saveoursound.org

Business Address:

Phone:

Fax:

Proponents' Attorney

Name:

Address:

Phone:

Fax:

Email:

Optional:

Will the proponents propose a summary by the Monday, 5 days after the petition-filing deadline?

☐ Yes

☐ No

Will the proponents submit a memo of law by the Friday 9 days after the petition-filing deadline?

☐ Yes

☐ No

Please note that the above information will be made available to the public and particularly to possible opponents of certification. The Proponent and Proponents' Attorney (if any) will receive copies of any materials submitted by the public regarding certification.

AGO Staff Person Receiving Petition:

PS

(to be filled in by Attorney General's Office staff)

Date:

8/3/2011

(to be filled in by Attorney General's Office staff)

[Note by Office of the Attorney General: Petition has no title and no Sections 1 or 2]

SECTION 3. Section 83 of Chapter 169 of the Acts of 2008 is hereby deleted and replaced with the following:

SECTION 83. Commencing on July 1, 2009, and continuing for a period of 5 years thereafter, each distribution company, as defined in section 1 of chapter 164 of the General Laws, shall be required twice in that 5 year period to competitively solicit proposals from renewable energy developers and, provided reasonable proposals have been received, enter into cost-effective long-term contracts to increase renewable energy supply for Massachusetts. The timetable and method for solicitation and execution of such contracts shall be proposed by the distribution company in consultation with the department of energy resources and shall be subject to review and approval by the department of public utilities. This long-term contracting obligation shall be separate and distinct from the electric distribution companies' obligation to meet applicable annual renewable portfolio standard, hereinafter referred to as RPS, requirements, set forth in section 11F of chapter 25A of the General Laws.

For purposes of this section, a long-term contract is defined as a contract with a term of 10 to 15 years. In developing the provisions of proposed long term contracts, the distribution company shall consider multiple contracting methods, including long-term contracts for renewable energy certificates, hereinafter referred to as RECs, for energy, and for a combination of both RECs and energy. The electric distribution company shall solicit proposals from renewable energy developers through a public solicitation method in order to obtain competitive bids. The distribution company may decline to consider contract proposals having terms and conditions that it determines would require the contract obligation to place an unreasonable burden on the distribution company's balance sheet. All proposed contracts shall be subject to the review and approval of the department of public utilities.

The department of public utilities and the department of energy resources each shall adopt regulations consistent with this section. The regulations shall: (a) allow renewable energy developers to submit proposals for long-term contracts conforming to the contracting methods specified in the second paragraph; (b) require that contracts executed by the distribution company under such proposals are filed with, and approved by, the department of public utilities before they become effective; (c) provide for an annual remuneration for the contracting distribution company up to 4 per cent of the annual payments under the contract to compensate the company for accepting the financial obligation of the long-term contract, such provision to be determined by the department of public utilities at the time of contract approval; and (d) require that the renewable energy generating source to be used by a developer under the proposal meet the following criteria: (1) have a commercial operation date, as verified by the department of energy resources, on or after January 1, 2008; (2) be qualified by the department of energy resources as eligible to participate in the RPS program, under said section 11F of chapter 25A, and to sell RECs under the program; and (3) be determined by the department of public utilities to: (i) provide enhanced electricity reliability within the commonwealth; (ii) contribute to moderating system peak load requirements; and (iii) be cost effective to Massachusetts electric ratepayers over the term of the contract. The department of public utilities shall take into consideration both the potential costs and benefits of such contracts, and shall approve a contract only upon a finding that it is a cost effective mechanism for procuring renewable energy on a long-term basis. Cost effective as used in this section shall refer to contracts which are likely to result in net ratepayer savings over the course of the contract period.

The requirement for distribution companies to obtain long-term contracts through solely a public solicitation process applies to all distribution companies for any contract entered into on or after January 1, 2010.

Eric Steinhilber
Donna Hill
Rex Bristol
John Crowell
Richard Vicente
William J. Rex, Jr.
Susan E. Day
Arthur Pappas
Charles F. Curran
Craig T. Rockwood
Felis Barrero
Elizabeth Young
Shaunna Wharton